

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ZACK KAPLAN, BEN KAPLAN,
MICHAEL KAPLAN, ELI KAPLAN, and
MICHAEL MAZZOTTA, Individually
and on Behalf of Themselves and All
Others Similarly Situated,

Plaintiffs,

v.

ALEXANDER MASHINSKY,
SHLOMI “DANIEL” LEON, HANOCHE
GOLDSTEIN, HARUMI URATA-
THOMPSON, JEREMIE BEAUDRY,
KRISTINE MASHINSKY, AM
VENTURES HOLDING, INC.,
KOALA1 LLC, and WINTERMUTE
TRADING LTD.,

Defendants.

NOTICE OF MOTION TO STAY

PLEASE TAKE NOTICE that on Monday, November 20, 2023, at 9:00 a.m., or as soon thereafter as the matter may be heard, before the Honorable Kevin McNulty, United States District Judge of this Court at the U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, Defendants Alexander Mashinsky, Harumi Urata-Thompson, Jeremie Beaudry, Kristine Meehan¹, AM Ventures

¹ Ms. Meehan is incorrectly identified in the First Amended Class Action Complaint as “Kristine Mashinsky,” which is not her legal name.

Holding, Inc., and Koala1 LLC (collectively, “Moving Defendants”) will move to stay all proceedings in the above-referenced matter until either: (a) the resolution of the Official Committee of Unsecured Creditors’ (“UCC”) forthcoming action (“UCC Action”) against the Moving Defendants in *In re Celsius Network LLC, et al.*, Case No. 22-10964 (MG) (Bankr. S.D.N.Y.) (“Bankruptcy Proceeding”); or, alternatively, (b) conclusion of the overlapping criminal case, *United States v. Mashinsky, et al.*, Case No. 23-cr-00347 (S.D.N.Y.) (“Criminal Proceeding”).

This motion is brought on the grounds that the above-referenced matter, the UCC Action within the Bankruptcy Proceeding, and the Criminal Proceeding involve overlapping parties, issues, claims, and assets and all arise out of the same set of operative facts. Therefore, the Bankruptcy Proceeding and the Criminal Proceeding are likely to affect the claims and factual and legal issues in this action and involve overlapping discovery and judicial determinations. As such, the Moving Defendants respectfully submit that the interests of the parties and judicial economy would be best served if this action is stayed.

This motion will be based upon this Notice of Motion, the accompanying Memorandum of Law with Exhibits, the accompanying Proposed Order, the pleadings submitted in this action, the papers and records on file herein, and any additional evidence requested by the Court on this matter.

Dated: New York, New York
October 19, 2023

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CERTIFICATE OF SERVICE

I, Jonathan Ohring of Yankwitt LLP, hereby certify that on October 19, 2023, I served the foregoing upon all counsel of record by filing on CM/ECF.

/s/ Jonathan Ohring
Jonathan Ohring